
THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Beverly Lynn Davies,

Defendant.

**MEMORANDUM DECISION AND
ORDER CONTINUING TRIAL AND
EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT**

Case No. 2:18-cr-00288-DBB

District Judge David Barlow

Based upon the defendant's motion for a continuance of the Jury Trial now set to begin February 11, 2022, the court makes the following findings:

1. A Grand Jury handed down an Indictment in this matter on June 6, 2018. **ECF No. 6.** The Defendant was arrested in the State of California where she resides, went through Rule 5 proceedings and was released to with conditions. **ECF No. 6-8.** She first appeared in this court on June 21, 2018, and was arraigned on the Indictment. She pled not guilty. She was placed on Pretrial supervision. **ECF No. 13.**

2. Defendant resides in California. She was recently hospitalized due to a severe COPD exacerbation. She suffers from severe COPD, chronic bronchitis and chronic hypoxia. She is significantly deconditioned and oxygen dependent due to her recent exacerbation. She is not fit to travel. Defendant's medical conditions put her at significant risks of catching Covid-19 in travelling or during a lengthy trial. Defendant is 72 years old.

4. Because of her medical conditions, Defendant has been unable to assist her

attorney in preparing for trial. Defendant was consulted and she understands the needs for this continuance.

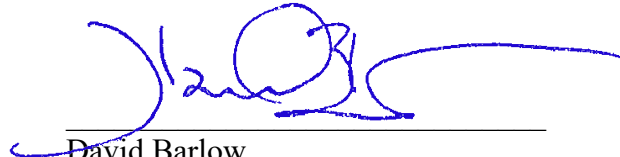
5. Assistant United States Attorney Mark Hirata does not object to this motion.

Based on the foregoing findings, the court concludes that the failure to grant a continuance of the trial would deny the defendant the reasonable time necessary for effectively and properly preparing for trial, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Thus, the ends of justice served by a continuance outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

The Court therefore ORDERS that the 10-day Jury Trial previously scheduled to begin on February 11, 2022, is hereby continued to May 13, 2022, at 9:00 a.m. The time between the date of this order and the new trial date set forth above is excluded from speedy trial computation pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED this 2nd day of November, 2021.

BY THE COURT:



David Barlow
United States District Judge